

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA)
v.)
MARJIL LEE BERGARA,)
Defendant.)
Case No. 1:05CR00053
FINAL ORDER
By: James P. Jones
United States District Judge

For the reasons set forth in the Opinion accompanying this Final Order, it is

ORDERED as follows:

1. The defendant's motion, styled as "Motion on the New Ruling Pass[ed] by the Supreme Court," (ECF No. 137) is DENIED, and the defendant's submission is CONSTRUED as a Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C.A. § 2255;
 2. The Clerk is DIRECTED to redocket the motion (ECF No. 137) as a § 2255 motion;
 3. The § 2255 motion is hereby DENIED without prejudice as successive and stricken from the active docket; and

4. A Certificate of Appealability is DENIED, based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right.

DATED: July 23, 2012

/s/ James P. Jones
United States District Judge